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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Serial Number: 07/579,569  
Filing Date: 09/10/90  
Appellant(s): Ole K. Nilssen

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BOARD OF PATENT APPEALS  
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**GROUP 250**

92-3748

Ole K. Nilssen  
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed  
3/10/92.

(1) *Status of claims.*

The statement of the status of claims contained in the brief  
is correct.

This appeal involves claims 1, 8-12, 19-27.

Claims 2-7 are objected to as being dependent upon a rejected  
base claim, but would be allowable if rewritten in independent form  
including all of the limitations of the base claim and any  
intervening claims.

(2) *Status of Amendments After Final.*

No amendment after final has been filed.

(3) *Summary of invention.*

The summary of invention contained in the brief is correct.

(4) *Issues.*

The appellant's statement of the issues in the brief is correct. However, all ground of rejection as presented in the final office action dated 10/21/91 is withdrawn and accordingly these ground are no longer an issue in this appeal. However, the following new ground of rejection forms the only issue in this appeal. Thus, the issues are whether claims 1, 8-12, 19-27 are unpatentable under 35 U.S.C. 103 over Pitel 711 in view of Cox '450.

(5) *Grouping of claims.*

The rejection of claims 1, 8-12, 19-27 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together. See 37 C.F.R. § 1.192(c)(5).

(6) *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(7) *Prior Art of record.*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Number	Name	Date
✓ 4,045,711	Pitel	8/30/77
✓ 3,691,450	Cox	9/12/72

(10) *New ground of rejection.*

This examiner's answer contains the following NEW GROUND OF REJECTION.

Claims 1, 8-12, 19-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Pitel in view of Cox.

Pitel discloses all the limitations of the above claims except for "an LC circuit...tuned to natural resonance at a frequency lower than the fundamental frequency of the AC voltage". Cox discloses that the operating frequency of the inverter can be at or higher than the resonant frequency of the LC circuit so as to provide the necessary high voltage required for starting a lamp. Thus, it would have been obvious to one of ordinary skill in the art to select the resonant frequency of the LC circuit to be at or lower than the fundamental frequency of the oscillator so as to provide the necessary high voltage at the external load as taught by Cox.

*(11) Response to argument.*

Appellant's argument with respect to the ground of rejection as presented in the final action dated 10/21/91 have been considered but are deemed to be moot in view of the fact that the ground of rejection have been withdrawn from appeal.

*(12) Period of response to new ground of rejection.*

In view of the new ground of rejection, appellant is given a period of TWO MONTHS from the mailing date of this examiner's answer within which to file a reply to any new ground of rejection. Such reply may include any amendment or material appropriate to the new ground of rejection. Prosecution otherwise remains closed. Failure to respond to the new ground of rejection will result in


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dismissal of the appeal of the claims so rejected.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
EUGENE R. LAROCHE  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 252

Dinh/dw 49  
June 02, 1992